

REMARKS

Restriction

In the Restriction Requirement mailed October 3, 2007, the claims were divided into two groups:

Group I, claims 1-15, drawn to a filamentous fungus transformed with a heterologous sequence of DNA.

Group II, claim(s) 16-17, drawn to a method for the production of a substance expressible by a DNA sequence, wherein the sequence is operably associated with a filamentous fungus transcription promoter.

In response, applicant elects group I, filamentous fungus claims, with traverse. Claims 1-4, 6, 8-10, 12-15 encompass the elected invention.

The restriction requirement states "The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the lack the same or corresponding special technical features for the following reasons: Van Griensven et al. . . teach an A. bisporus filamentous fungus with a heterologous DNA under the control of a filamentous fungus promoter which is active during regulation of the fruiting bodies thereof. . . Therefore, the special technical feature is anticipated by Van Griensven et al and is therefore not novel." Applicant does not agree with or concede to the characterization of the Van Griensven reference, or the conclusions drawn in the Restriction Requirement.

The claims of Group II require the filamentous fungus transcription promoter of claim 1, and as such, it is believed that examination of one group would necessarily include examination of the other group. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Election of species

In addition, the Restriction Requirement required election of species. The Restriction Requirement stated:

[1] If Applicant elects Group I, Applicant must further elect only one species claim from among the claims 5-11.

[2] If Applicant elects Group I, Applicant must further elect only one species claim from between the claims 14 and 15.

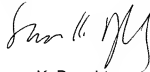
In response, applicant elects the species of claim 6. Claims 1-4, 6, 10, 12-15 encompass the elected species.

The species election indicated in point [2] is not clear. It is assumed a typographical error has been made and this point was intended to be directed to Group II, claims 16-17. If this is not correct, the Examiner is respectfully requested to telephone the undersigned.

CONCLUSION

This response is accompanied by an extension of time (two months). Please deduct the appropriate amount due (believed to be \$460 for a two month extension of time for a large entity) from Deposit Account No. 07-1969.

Respectfully submitted,



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